

REMARKS

The applicant respectfully requests reconsideration in view of the above amendments and following remarks. The applicant has amended the specification and inserted the English translation of Example 2 of EP -A 991 303. The applicant deleted reference to the U.S. Patent previously inserted. No new matter has been added.

Claims 1, 4-5, and 9 remain rejected under 35 U.S.C. 112, as failing to comply with the written description requirement.

Claims 1, 4-5, and 9 are rejected under 35 U.S.C. 112, as failing to comply with the written description requirement. Claims 1, 4-5, and 9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 20 and 21 of copending Application No. 11/637,411 ('411 application). The applicant respectfully traverses these rejections.

Rejections under 35 U.S.C. 112

Claims 1, 4-5, and 9 are rejected under 35 U.S.C. 112, as failing to comply with the written description requirement. The Examiner stated that the material previously incorporated by reference was not proper.

The Examiner specifically stated at page 7 of the office action that an amendment would be deemed to comply would include:

(1) express their clear intent as specified in 37 C.F.R. §§ 1.57 (b)(1),
Examples 1 through 3 of the instant application discuss making the 3,4-polyethyleendioxythiopene/polystyrene sulfonate solution "in accordance with Example 2 from EP-A 991 303" (see page 10 and 11 of the specification). It is clear that example 2 of EP-A 991 303 was incorporated.

(2) a copy, such as a certified translation, of the subject matter of EP A -991 303 to be incorporated to comply with 37 C.F.R. §§ 1.57 (e) The applicant previously filed the certified translation of Example 2.

(3) a statement in accordance with 37 C.F.R. §§ 1.57(f).

The applicant has amended the specification by incorporating subject matter that was previously in the specification and the amendment made contains no new matter. Again, the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. The applicant believes that they have complied with (1) –(3) above. For the above reasons, this rejection should be withdrawn.

Interview Summary

The applicant thanks the Examiner for conducting the telephone interview on August 12, 2010. In the interview, the applicant inquired regarding obviating the rejections and the insertion of the U.S. Patent number in the specification. The Examiner noted that the subject matter referenced in the original disclosure was the EP document. It was further noted that the subject matter referenced in the original disclosure was the EP document. It was further noted that the insertion of the U.S. Patent number is not an insertion of the material referenced in the original disclosure. No agreement was reached.

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13077-00140-US from which the undersigned is authorized to draw.

Dated: August 18, 2010

Respectfully submitted,

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